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REMARKS

Claims 1-20 are presented for examination, and Claims 1-20 have been rejected. Claims 1, 11, and 12 are amended; Claims 3, 5, 9, 13, and 20 are cancelled; and Claims 21-25 are added. Reconsideration is respectfully requested in view of the forgoing amendment and the following remarks. The following remarks are believed to be fully responsive to the Office Action mailed June 13, 2006, and also to render all currently pending claims at issue patentably distinct over the references of record.

I. Claims Rejections under 35 U.S.C. § 102

On page 2 of the Office Action, Applicants' Claims 1-5, 8, 10-15, 18, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Silver (U.S. Pat. No. 6,876,970). With respect to Applicants' independent Claims 1 and 11, the Office Action states that Silver teaches a vehicle radio and a method of operating a vehicle radio that comprise the following elements:

- (1) A radio receiver configured to receive a radio signal from a broadcast station;
- (2) A microphone configured to receive an operator audible and generate an audible signal from the operator audible; and
- (3) A tuning module configured to receive the radio signal from the radio receiver and the audible signal from the microphone, the tuning module comprising:
 - (a) a storage module configured to store a first phoneme string and a first channel number associated therewith;
 - (b) a voice recognition engine configured to compare a phoneme in the audible signal with the first phoneme string; and
 - (c) a tuner configured to tune the radio receiver to the first channel number when the voice recognition engine identifies the phoneme as the first phoneme string.

Applicants have amended independent Claim 1 to further recite that the radio receiver is configured to receive from the broadcast station a first channel-specific phoneme string that is associated with the first channel number.

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Applicants have also amended independent Claim 11 to further distinguish over the Silver reference and the other references of record. As amended, Applicants' independent Claim 11 recites a method of operating a vehicle radio system that includes the steps of receiving a first radio channel and a first phoneme string associated therewith from a broadcast station, and storing the frequency of the first radio channel and the first phoneme string received from the broadcast station.

MPEP § 2131 states that a reference must teach every element of a claim to properly anticipate the claim under 35 U.S.C. § 102. Quoting the Federal Circuit, MPEP § 706.02 adds that "the identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Although identical terminology is not required, the elements must be arranged as required by the claim. MPEP § 2131 citing *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

With respect to Applicants' amended independent Claim 1, Applicants respectfully submit that the Silver reference does not teach a radio receiver that is configured to receive from the broadcast station a first channel-specific phoneme string associated with a first channel number. Therefore, the Silver reference does not provide every element recited in Applicants' amended independent Claim 1 as required for anticipation under 35 U.S.C. § 102. Consequently, Applicants' respectfully submit that amended independent Claim 1 is not anticipated by the Silver reference under 35 U.S.C. § 102(e).

Applicants likewise submit that the Silver reference does not teach every step of the method recited in Applicants' independent Claim 11, as amended. For example, Applicants' independent Claim 11 recites the steps of receiving a first radio channel and a first phoneme string associated therewith from a broadcast station, and storing the frequency of the first radio channel and the first phoneme string received from the broadcast station. The Silver reference does not teach or suggest receiving a phoneme string from a broadcast station and storing the received phoneme string in this manner. Instead, the Silver reference states that voice commands may be established by a user or pre-programmed by the manufacturer (please see Column 3,

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Lines 30-39). Considering this, it should be appreciated that Applicants' amended independent Claim 11 recites at least one element that is not provided by the Silver reference. Therefore, it is respectfully submitted that amended independent Claim 11 is also not anticipated by the Silver reference under 35 U.S.C. § 102(e).

The fourth paragraph of 35 U.S.C. § 112 states that "a claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." Stated differently, a dependent claim subsumes every element of a base claim from which the dependent claim depends. It follows that a cited reference that does not teach every element of a base claim cannot teach every element of a dependent claim properly depending from the base claim. Therefore, when a base claim is patentably distinguishable from the cited references, the claims properly depending therefrom must necessarily also be patentably distinguishable.

For the reasons explained above, Applicants' amended independent Claims 1 and 11 are believed to be patentably distinguishable over the Silver reference under 35 U.S.C. § 102. Consequently, Applicants' Claims 2, 4, 6, 7, 8, and 10, which are believed to properly depend from Applicants' amended independent Claim 1, are also believed to be patentably distinguishable over the Silver reference. Similarly, Applicants' Claims 12 and 14-19, which are believed to properly depend from Applicants' amended independent Claim 11, are likewise believed to be patentably distinguishable over the Silver reference.

Applicants have cancelled Claims 3, 5, 9, 13, and 20. In addition, Claim 12 has been amended to correct an inadvertent error.

II. Claims Rejections under 35 U.S.C. § 103

On page 6 of the Office Action, Claim 6, 7, 16, and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Silver et al. in view of Marks et al. (U.S. App. No. 2002/0032019). The Office Action states that Silver teaches a receiver to reproduce broadcast programming, but is silent as to the identity of the radio signal. According to the Office Action, the Marks reference teaches data networks of program providers that include wireless delivery

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means of cellular radio systems, satellite delivery, regional broadcast (AM/FM), or a combination of these. The Office Action concludes that it would been obvious to one of ordinary skill in the art at the time of the invention to recognize in the broadcast receiver of Silver the alternative data networks as taught by Marks for enhanced selection of audio programs.

As stated in MPEP 2142, the Examiner bears the initial burden of supporting with facts any *prima facie* conclusion of obviousness. To reach a proper determination under 35 U.S.C. 103, the Examiner must determine whether the claimed invention "as a whole" would have been obvious to person of ordinary skill in the art at the time of the invention. Impermissible hindsight must be avoided, and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

MPEP 2142 continues on to list the three fundamental criteria that must be met for the Examiner to meet the burden of establish a *prima facie* conclusion of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In regard to this third criterion, MPEP § 2143.03 reiterates that "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

As stated above, Applicants have amended independent Claims 1 and 11 to recite additional features that are not taught or suggested by the Silver reference. These additional features lacking in the Silver reference are also not provided by the Marks reference. For example, with respect to Applicants' amended independent Claim 1, neither the Silver reference nor the Marks reference teaches or suggests a radio receiver that is configured to receive from the broadcast station a first channel-specific phoneme string associated with the first channel number. Furthermore, neither the Silver reference nor the Marks reference teaches or suggests the step of receiving a first radio channel and a first phoneme string associated therewith from a

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broadcast station as is now explicitly recited in Applicants' amended independent Claim 11. Therefore, it is respectfully submitted that Applicants' amended independent Claims 1 and 11 are not obvious in view of the Silver reference taken in further view of the Marks reference under 35 U.S.C. § 103.

MPEP § 2143.03 states that "[i]f an independent claim is non-obvious under 35 U.S.C. 103, then any claim depending therefrom is non-obvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Applicants' Claims 6 and 7 are believed to properly depend from Applicants' amended independent Claim 1, which is believed non-obvious over the references of record for the reasons stated above. Similarly, Applicants' claims 16 and 17 are believed to properly depend from Applicants' amended independent Claim 11, which is also believed non-obvious over the cited references. Therefore, in view of their dependency from non-obvious base claims, it is respectfully submitted that Applicants' Claims 6, 7, 16, and 17 are not obvious in view of the Silver reference taken in further view of the Marks reference.

III. Applicants' New Claims 21-25

Applicants have added new Claims 21-25, including independent Claim 21. Each of these claims is believed allowable over the references of record as discussed below.

Applicant's independent Claim 21 relates to a method of operating a vehicle radio system including a microphone and a tuner. The method of Claim 21 comprises the steps of receiving a first radio channel and the phonetic spelling of at least one word associated therewith; generating a first phoneme string from the phonetic spelling; and storing the first phoneme string and the frequency of the radio channel in a look-up table. The method further comprises the steps of registering a voice command with the microphone; comparing the voice command with the first phoneme string; and tuning the tuner to the frequency of the first radio channel when the registered voice command corresponds to the first phoneme string.

The method recited in Applicants' independent Claim 21 comprises multiple steps that are not taught or suggested by the Silver reference or the Marks reference. For example, neither the Silver reference nor the Marks reference teach or suggest the steps of receiving the phonetic spelling of at least one word associated with a radio channel and subsequently generating a

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phoneme string from the phonetic spelling. Therefore, as the references of record do not teach or suggest each of the elements recited in Applicants' Claim 21, it is respectfully submitted that Applicants' new independent Claim 21 is allowable.

Claims 22-25 are believed to properly depend, either directly or indirectly, from Applicants' independent Claim 21 and are, therefore, believed allowable therewith. This notwithstanding, Applicants note Applicants' new dependent claims recite additional features not taught or suggested by the references of record.

For example, Claim 22 specifies that the vehicle radio system further comprises a transceiver, and that the method further comprises emitting a request for the phonetic spelling of at least one word associated with the first radio station. Neither the Silver reference nor the Marks reference teach or suggest such a step.

As another example, Applicants' new Claim 25 adds additional steps associated with receiving the phonetic spelling of a second word associated with the first radio channel, and generating at a second phoneme string from the phonetic spelling of the second word. Again, neither the Silver reference nor the Marks reference teach or suggest all of the steps recited in Applicants' new Claim 25.

IV. Prior Art Made of Record but Not Relied Upon

Applicants have reviewed the references made of record but not relied upon and believe that these references taken singly or in combination do not form the basis of a valid rejection of the claims.

V. Conclusion

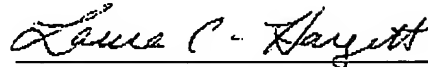
In view of Applicants' forgoing amendments and remarks, it is respectfully submitted that the rejections set-forth in the Office Action mailed June 13, 2006, have been overcome. Accordingly, Applicants respectfully submit that the application is now in condition for allowance, and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the Applicants' attorneys at (480) 385-5060.

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Please charge any fees that may be due to Deposit Account 07-0960.

Respectfully submitted,



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